



**Policy:** 1160  
**Procedure:** 1160.01  
**Chapter:** Inspections and Investigations  
**Rule:** Administrative Investigations

**Effective:** 07/21/06  
**Replaces:** 1160.01  
**Dated:** 10/18/04

### **Purpose:**

The Arizona Department of Juvenile Corrections (ADJC) is committed to maintaining a positive work environment and to correcting any actions, practices, or behavior on the part of ADJC employees that are not professionally acceptable.

### **Rules:**

1. **THE PROFESSIONAL STANDARDS UNIT (PSU), WHICH INCLUDES AN EEO COMPLIANCE INVESTIGATOR, IS ASSIGNED TO THE INSPECTIONS AND INVESTIGATIONS DIVISION (IID)** shall investigate serious acts of misconduct involving employees, volunteers, interns, and service providers under contract with ADJC.
  - a. **EMPLOYEES, VOLUNTEERS, INTERNS, AND SERVICE PROVIDERS UNDER CONTRACT** with ADJC shall cooperate fully with PSU Investigators and assist in any investigation.
2. Investigators are assigned to the Professional Standards Unit (PSU) for the purpose of investigating alleged ADJC policy/procedure violations. **PROFESSIONAL STANDARD'S INVESTIGATORS** shall:
  - a. Investigate assigned cases to the fullest extent possible;
  - b. Identify management/systems issue(s) that will aide in process improvement;
  - c. Complying with the Inspections and Investigations Unit Case Management program in retaining cases for investigation and appropriate documentation
3. **Responsibilities of the Professional Standards Unit:**  
The PSU Unit shall:
  - a. Receive, record, and investigate or refer to the appropriate authorities for investigation all complaints made against the Department and/or its employees;
  - b. Coordinate the Departmental complaint process and assist other components of the Department in the process of receiving and investigating complaints and routing completed investigative files through the complaint disposition process;
  - c. Track and maintain records of all complaints made against the Department and/or its employees, and the disposition of same;
  - d. Conduct investigations of incidents as required by policy or procedure;
  - e. Provide monthly, quarterly and annual reports on employee conduct and any other reports deemed necessary by the IID Administrator/Director and/or designee; and
  - f. Administer the Employee Information Sharing System (EISS), which includes the Early Intervention (Warning) Program.
4. The Professional Standards Unit shall report directly to the IID Administrator/Director and/or designee and shall keep him/her apprised of the unit's activity:
  - a. Prepare weekly briefings on urgent matters;
  - b. Notify the IID Administrator/Director and/or designee immediately of all serious or significant cases;
  - c. Prepare monthly, quarterly and annual reports on employee conduct and any other reports deemed necessary by the IID Administrator/Director and/or designee.
5. **Professional Standards Unit's Authority:**

- a. **PROFESSIONAL STANDARDS UNIT INVESTIGATORS** are direct representatives of the Director in all matters of concern to the Professional Standards Unit;
  - b. Department owned facilities, desks, lockers, storage space, rooms, offices, equipment, records, work areas, and vehicles are the sole property of the Department and subject to inspection at any time deemed necessary by the Director or any other administrator.
  - c. Therefore, **EMPLOYEES, VOLUNTEERS, INTERNS, AND SERVICE PROVIDERS UNDER CONTRACT WITH ADJC** shall fully cooperate with all inspectors of the Professional Standards Unit and shall provide unhindered access to all ADJC facilities, desks, lockers, storage space, rooms, offices, equipment, records, work areas, and vehicles for the purposes of investigations.
6. **Professional Standards Unit Cases:**
  - a. The **PROFESSIONAL STANDARDS UNIT** shall investigate serious acts of employee misconduct which may or may not result in criminal prosecution. Examples are as follows:
    - i. Violations of all state/federal statutes or local ordinances:
      - (1) The **CRIMINAL INVESTIGATIVE UNIT, ASSIGNED TO THE IID, AND/OR ASSIGNED LAW ENFORCEMENT AGENCY** shall conduct the criminal investigation;
      - (2) The **PROFESSIONAL STANDARDS UNIT** shall conduct administrative investigation of allegations of criminal activity.
    - ii. Complaints made by employees of other agencies, by parents, or by members of the public;
    - iii. Abuse or misuse of authority;
    - iv. Unnecessary or excessive use of force;
    - v. Rudeness, discourtesy, or verbal abuse;
    - vi. Untruthfulness;
    - vii. Death or life-threatening injury of person in custody;
    - viii. Sex on duty;
    - ix. Allegations of abuse, neglect, improper child care practices;
    - x. Escapes or escape attempts that involve staff negligence;
    - xi. Tampering with public records;
    - xii. Agency management cases;
    - xiii. Other acts of serious nature and matters as directed by the Director;
    - xiv. Discriminatory conduct including derogatory remarks against person's race, color, age, religion, national origin, sexual orientation, gender, or disability;
    - xv. Hostile Work Environment cases; and
    - xvi. Sexual Harassment.
  - b. The **SUPERVISOR** shall address performance deficiencies immediately and shall document them on an Administrative Investigation Report Form. Performance Deficiencies identified by the immediate supervisor, which do not involve a third party. Performance deficiencies may include but are not limited to:
    - i. Tardiness;
    - ii. Incompetence;
    - iii. Minor insubordination;
    - iv. Inappropriate work attire;
    - v. Sleeping on duty, etc.;
    - vi. Incidents such as violations of rules and/or regulations (ADJC Policies and Procedures) are supervisory in nature.
7. In the event the infractions are compounded by untruthfulness on the part of the employee, the **SUPERVISOR** shall document the infraction on the Administrative Investigation Report Form and shall refer it to the Professional Standards Unit for investigation.

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#### 8. **Notifications:**

The **OFFICER-IN-CHARGE (OIC)** shall notify the IID Administrator or designee for possible immediate response to:

- a. Any death or serious injury (life threatening) of a juvenile while in the custody of the ADJC;
- b. Any death or life-threatening injury caused by or attributed to an ADJC employee, volunteer, intern, visitor, juvenile, and service provider under contract with ADJC;
- c. Any instance in which an employee is involved in a criminal violation where there is a likelihood of an arrest or where the employee has been arrested.

#### 9. The **CALL BACK ADMINISTRATOR AND/OR DESIGNEE** shall immediately notify the Director of all serious or significant cases.

#### 10. **Complaint Initiation Procedures:**

##### a. External Complaints:

- i. **ADJC EMPLOYEES** shall forward complaints they receive from anyone calling or personally contacting the Department to the OIC at the security facility or to the IID unit at Central Office;
- ii. **ADJC EMPLOYEES** shall inform the complainant that a Professional Standards Unit investigator will contact him/her to conduct an interview and explain the complaint process;
- iii. **ADJC EMPLOYEES** shall treat complaints from anonymous sources in the same manner as any other complaint. The fact that the complainant refuses to identify him/herself shall not preclude the complaint from the investigation;

##### b. Internal Complaints:

- i. **SUPERVISORS** shall document minor performance or policy/procedure infractions on an Administrative Incident Reporting Database;
- ii. **ANY EMPLOYEE** shall immediately document and notify his/her immediate supervisor when s/he becomes aware of major ADJC policy/procedure infractions:
  - (1) The **IMMEDIATE SUPERVISOR** shall immediately document the allegation in an Administrative Investigation Reporting Database;
  - (2) **EMPLOYEES** shall consider knowledge of an investigation confidential and shall inform only need-to-know personnel.

#### 11. **Criteria for Service of a Notice of Investigation:**

The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall give a Form 1160.01A Notice of Investigation to an employee under the following circumstances:

- a. The employee is under investigation by the Professional Standards Unit or an ADJC Supervisor for a matter that may lead to written reprimand up to termination of employment;
- b. When the employee is required to submit financial disclosure statements or documents or produce any documentation, including memorandums;
- c. **Exception:** The **DIRECTOR** may authorize the suspension of the notification if such notification would jeopardize the impending investigation, but notification shall be made as soon as the constraint is past.

#### 12. **Procedures for Completion of a Notice Of Investigation:**

- a. The **INVESTIGATING SUPERVISOR** shall complete the Form 1160.01A Notice Of Investigation which shall include the following:
  - i. The alleged known Policy/Procedure violation;
  - ii. The employee's status in the investigation.
- b. The **INVESTIGATING SUPERVISOR** shall provide the employee the Notice of Investigation;
- c. The **EMPLOYEE** shall review the form, sign it, date it, and return it to the supervisor.

13. **Procedures for serving a Notice Of Investigation:**

- a. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall complete and provide a Notice of Investigation to the employee prior to interviewing or interrogating the employee.
- b. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall serve the Notice of Investigation within ten calendar days of receipt of the complaint or once a complaint has been confirmed. This does not include preliminary questions to determine the scope of allegations or if an investigation is necessary.

14. **Complaint Procedures:**

- a. When so ordered by the Director or his/her designee, **EMPLOYEES** shall submit to an administrative interview during any investigation into any allegation of misconduct;
- b. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall attempt to conduct the interview of any Department member preferably when the employee is on duty.
  - i. The **ADJC** shall compensate the employee for the interview time in accordance with Procedure 2001.01 FLSA Exempt and Non-Exempt Compensation if such interview occurs during off-duty time;
  - ii. The **ADMINISTRATIVE INVESTIGATOR** shall designate the location of the interview;
    - (1) The interview shall not take place at the employee's home (with the exception of a telephone interview) without the authorization of the Director or his/her designee.
- c. The interview session shall be for a reasonable duration. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall:
  - i. Consider the gravity and complexity of the investigation in determining the reasonableness of the interview;
  - ii. Allow reasonable breaks during the interview to allow the employee to attend to personal or physical necessities;
  - iii. Not extend the interview longer than the employee's normal workday except under unusual circumstances.
- d. If the interview is to be conducted by a Professional Standards Unit Investigator, the **INVESTIGATOR** shall immediately notify the employee's supervisor if the employee is required to leave his or her assigned post during an interview;
- e. The **EMPLOYEE** may request to have a representative present at no cost to the Department.
  - i. The **EMPLOYEE** shall select a representative available on reasonable notice so that the interview is not unreasonably delayed;
  - ii. The **INVESTIGATOR** shall provide the representative the Form 1160.01B Employee Interview Representative Guidelines Memo;
  - iii. The **REPRESENTATIVE** shall participate in the interview as a silent observer and shall not be permitted to speak or otherwise participate;
  - iv. The **REPRESENTATIVE** shall be an employee of ADJC and cannot be an attorney representing the interviewee;
  - v. The **INVESTIGATOR** shall admonish the representative to not speak about or share with anyone what was discussed during the interview.
- f. The **EMPLOYEE** may **not** have a representative under the following circumstances:
  - i. Polygraph/truth verification examination;
    - (1) A **REPRESENTATIVE** may be present during the pre and post interview for the examination;
  - ii. An interview of employees which is:
    - (1) In the normal course of duty;
    - (2) Counseling or instruction of an informal verbal admonishment by a supervisor, or
    - (3) Other routine or unplanned contact with a supervisor.

- iii. Preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
  - g. The **EMPLOYEE** may request to have an attorney present during the interview of the criminal investigation.
  - h. During the course of an administrative interview, the **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall limit the scope of the questions presented to the employee to:
    - i. Allegations of misconduct;
    - ii. The performance of the employee's duties; and
    - iii. The employee's fitness for duty.
  - i. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall not subject the employee being interviewed to:
    - i. Any offensive or abusive language;
    - ii. Visits by the press or news media without the employee's expressed consent;
    - iii. The release of the employee's home address or phone number to news media or press without employee's expressed consent;
  - j. The **EMPLOYEE** shall not have an attorney present during an administrative interview;
  - k. If an employee is ordered not to speak to anyone regarding an administrative investigation, the **EMPLOYEE** shall abide by this order with the following exceptions. Conversations with:
    - i. An attorney functioning within the attorney-client relationship;
    - ii. Spouse or significant other, unless the spouse or significant other is an ADJC employee (Permission maybe granted to discuss the case with a spouse or significant other who is an ADJC employee. The prohibition to discuss the case with anyone other than the affected employee will be extended to the employee's spouse or significant other);
    - iii. Employee's clergy;
    - iv. State Certified Counselor;
    - v. Medical Doctor.
  - l. Failure to comply with this order (which prohibits against discussing an administrative investigation) shall result in discipline up to and including termination;
  - m. Once the investigation is completed and a disposition rendered, the prohibition against the employee discussing the case with anyone no longer applies.
- 15. **Employee Responsibilities During An Administrative Interview:**
  - a. **EMPLOYEES** shall answer truthfully all questions during the administrative interview:
    - i. Failure to answer questions, or giving false or misleading information during the interview, shall be the basis for disciplinary action, which may include termination of employment;
    - ii. Any sustained false, deceptive, or misleading statements made by a employee in the Youth Correctional Officer series, Youth Program series, Security Officer series or an administrator shall have his/her name forwarded to the appropriate County Attorney's Office for placement on to the 'Brady' List;
    - iii. Any sustained false, deceptive, or misleading statements that are made by an employee, who is a State Certified Peace Officer, can lead to possible suspension or revocation of the employee's AZPOST Peace Officer Certification. (R13-4-109);
  - b. During the course of an administrative investigation, the **EMPLOYEE** shall bring to the attention of the investigating supervisor/investigator any witness information or tangible evidence that the employee believes may be relevant to the investigation.
- 16. The **DIRECTOR** may direct any administrative investigation to be postponed when conducting such investigation could hinder, impede, or interfere with an ongoing criminal investigation or prosecution.

17. Upon disposition of the administrative investigation, the **INVESTIGATING SUPERVISOR** shall advise the affected employee in writing about the results of the investigation.
18. **Criminal and Administrative Investigations:**
  - a. Interviews. Employees served with a Notice of Investigation. To ensure the separation between criminal and administrative investigations, **CRIMINAL AND ADMINISTRATIVE INVESTIGATORS** shall not interview jointly an employee who has been, or under the circumstances is likely to be, issued a Notice of Investigation. This rule shall apply to any interview of an employee who was directly involved in an incident that may result in criminal charges.
  - b. Crime Scene Walk-through. **PROFESSIONAL STANDARDS AND/OR ADMINISTRATIVE (SUPERVISORS) INVESTIGATORS** shall not accompany criminal investigators during a crime scene walk-through with an employee who was directly involved in an incident that may result in criminal charges;
  - c. Disclosure of Information:
    - i. **PROFESSIONAL STANDARDS AND/OR ADMINISTRATIVE (SUPERVISORS) INVESTIGATORS** shall not disclose to criminal investigators any information obtained during or after compelled (Garrity) interviews. The purpose of this rule is to prevent the intentional or inadvertent use, directly or indirectly, of an employee's compelled statement in criminal prosecution against the employee;
    - ii. **CRIMINAL INVESTIGATORS** may disclose to administrative investigators any information discovered during their investigation unless prohibited by law, i.e., grand jury proceeding, wiretap investigation. etc.
19. **Garrity Warnings:**

**ADMINISTRATIVE INVESTIGATORS** shall give the employee the Form 1160.01A Garrity Warnings in writing. Upon explanation/reading of such the **EMPLOYEE** shall sign the Garrity Warnings document. This document shall remain in the administrative investigative file. The **ADMINISTRATIVE INVESTIGATOR** shall give admonishments to an employee in an administrative investigation that:

  - a. S/he will be asked to answer questions related to official duties, or the complaint under investigation;
  - b. Failure to comply will subject the employee to Departmental charges and discipline, up to and including termination of employment;
  - c. Statements or information or evidence gained in the interview cannot be used in any criminal proceedings against the employee;
    - i. **Exception:** False statements made by the employee may be used in other criminal actions, such as Obstruction of Justice.
20. **Tape Recording the Interview:**
  - a. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** may mechanically record the interview;
  - b. The **DEPARTMENT** reserves the right to transcribe any mechanically recorded interview for the purpose of verifying the accuracy of such interview;
  - c. The **EMPLOYEE** may request and receive a cassette/videotape/digital copy of the interview on a cassette/videotape/digital recording. **IID** may provide this cassette/videotape/digital recording to the employee after the completion of the investigation and/or upon direction by the Director and/or agency attorney. Document reproduction costs shall be consistent with the fees charged ADJC;
  - d. **NO ONE** shall authorize overtime for the purpose of dropping off or picking up cassette/video tapes by the affected employee.
21. **Truth Verification Examinations:**
  - a. The **DIRECTOR OR DESIGNEE** may order an employee to submit to a Truth Verification examination concerning an administrative investigation;

- b. In the case of an employee requesting the examination, the **DIRECTOR OR DESIGNEE** shall approve or disapprove his/her request;
- c. When a complaint from a citizen, juvenile, and/or other employee is the basis for the investigation, The **DIRECTOR OR DESIGNEE** may require the citizen, juvenile, and/or other employee to submit to a truth verification examination prior to the employee if the administrative investigation meets the following criteria:
  - i. The conduct complained of is non-criminal;
  - ii. No substantial corroborating information has been discovered by the investigating supervisor/Professional Standards Investigator;
  - iii. If this requirement will substantially slow or adversely impact the administrative investigation, the employee may be required to submit to the truth verification examination prior to the citizen submitting to the exam.

22. **Examination Guidelines:**

- a. The **QUALIFIED EXAMINER** shall use pertinent questions to the subject of inquiry in a truth verification examination, except that the **EXAMINER** may ask control questions as necessary to validate an examination within the scope of acceptable truth verification procedures;
- b. **QUALIFIED EXAMINERS** shall perform Truth Verification examinations within a reasonable time of the request;
- c. The **EMPLOYEE** does not have right to assistance of counsel (attorney) when required to submit to a truth verification examination in the employee-employer relationship;
- d. **EMPLOYEES** shall tell the truth at all times, shall answer pertinent questions to the best of their knowledge, and shall not refuse to answer or knowingly give a false, misleading answer to any question before, during or after a truth verification examination;
- e. **EMPLOYEES** shall cooperate with supervisors when involved in any incident requiring the use of the truth verification equipment;
- f. At his/her discretion the **DIRECTOR** may terminate an employee who refuses to take a truth verification exam when so ordered by a superior.
- g. **In criminal matters under investigation:**
  - i. The **CRIMINAL INVESTIGATOR** shall advise the employee of his/her right to accept or reject the truth verification examination;
  - ii. The **DIRECTOR OR IID ADMINISTRATOR** may order the employee administratively to take the examination as an aid in the administrative investigation if the employee refuses the examination after being ordered to by a Professional Standards Investigator:
    - (1) The **IID INVESTIGATOR** shall inform the employee that the refusal to submit to the truth verification examination cannot and will not be used against him in a criminal court of law;
    - (2) The **IID INVESTIGATOR** shall inform the employee that the results of the truth verification examination or any information derived from the examination may be used by the Department in both administrative and criminal actions if an employee waives his/her Miranda rights and elects to take the truth verification examination.

23. **Medical or Laboratory Examinations:**

- a. A **SUPERVISOR** may require an employee who is reasonably suspected of being under the influence of any drug(s) or intoxicants while on duty or unlawful drug(s) while off duty to submit a sample of the employee's breath, urine, or blood for chemical analysis See Procedure 2010.01 for details:
  - i. The sample shall be taken under hygienic conditions and with due regard for the privacy of the affected employee;
  - ii. If blood is drawn, it shall be extracted by personnel medically qualified to draw blood.

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- b. Refusal to submit a sample shall furnish the Department with the basis for a disciplinary action up to and including termination and shall also create a presumption that the affected employee was at the time under the influence of drug(s) or intoxicants;
- c. Upon the order of an Investigating Supervisor/Investigator, the **EMPLOYEE** shall submit to any medical or other chemical tests, which are reasonably related to allegations of misconduct, performance of duty or fitness for duty;
- d. ADJC shall pay for these tests.

#### 24. **Handwriting Samples, Photographic and Physical Lineups:**

All rules carried out under this section shall be specifically directed and narrowly related to a particular administrative investigation being conducted:

- a. Upon the order of the Director or designee, **EMPLOYEES** shall submit handwriting samples as related to an administrative investigation;
- b. Upon the order of the Director or designee, **EMPLOYEES** shall submit to any photographs for the purpose of a photographic lineup, as related to an administrative investigation;
- c. Upon the order of the Director or designee, **EMPLOYEES** shall submit to a live lineup as related to an administrative investigation.

#### 25. **Financial Disclosure Statements:**

**EMPLOYEES** shall provide financial disclosure documents as requested by the Director or designee:

- a. Financial disclosures shall require the written authorization of the Director; and
- b. Financial disclosures shall be directly related to an ongoing administrative investigation.

#### 26. **Administrative Investigation Process for Supervisors:**

- a. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall use the Administrative Incident Reporting Database, which is located in YouthBase, to document allegations of employee misconduct. The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall:
  - i. Ensure that the necessary information is entered;
  - ii. Enumerate all allegations being investigated.
- b. **Report formats.** The **INVESTIGATING SUPERVISOR/INVESTIGATOR** shall use the following outline for all administrative investigations:
  - i. **Executive Summary:** Each allegation shall be listed followed by a summary of the interviews and evidence which relate directly to the individual allegation;
  - ii. **Narrative:** The investigation shall concisely convey to the reader the facts surrounding the investigation. In this section:
    - (1) Describe the facts and explain the details of the investigation;
    - (2) Delineate the sequence taken by the investigator;
    - (3) Note impairments to a complete investigation, such as the uncooperativeness of any person or the reason a vital piece of evidence could not be obtained;
    - (4) Note extension requests;
    - (5) Include memoranda from employees which contain direct statements about the allegation;
    - (6) Include either a narrative summary of each interview or the actual transcription of the interview;
    - (7) Note whether interview tapes were utilized and ensure that the tapes are logged into property as evidence.
  - iii. **Exhibits/Evidence:** All reports and analysis examination documents shall be contained in this section:
    - (1) List of evidence;
    - (2) Place photographs in a separate folder or envelope for ease of presentation;
    - (3) Note the location of physical evidence.
  - iv. **Medical documentation:** All documents related to medical information, injuries, toxicology reports, and autopsy information should be included;



- v. **Communication/video/cassette tape/digital records:** This would include all communication/video/cassette tape/digital transcriptions, computer printouts, logs and other such information;
  - vi. **Reports:** This would include any report prepared by Department personnel concerning the incident giving rise to the complaint or requested during the complaint investigation;
  - vii. **Location of supportive materials:** This shall list all materials related to the administrative investigation but not included in this report;
  - viii. **Conclusion section:** The conclusion shall provide a brief summary of the investigation with each allegation being treated individually. This section shall identify what aspects of the investigation support the final classification of each allegation;
  - ix. **Recommendation section:** The recommendation is the adjudication classification. The **INVESTIGATING SUPERVISOR AND/OR ADMINISTRATOR ADMINISTERING THE DISCIPLINE** shall mitigate or aggravate the discipline as per the Chart of Sanctions (Procedure 2003.04). This section applies to all administrative investigations excluding those conducted by the Professional Standards Unit. In this section:
    - (1) Classify each separate allegation individually;
    - (2) List the findings of the investigation; and
    - (3) List all prior sustained discipline involving similar misconduct.
  - c. Administrative Investigations shall be completed within 20 calendar days. If additional days are needed the **SUPERVISOR/PSU INVESTIGATOR CONDUCTING THE INVESTIGATION** shall notify his/her respective Administrator/Supervisor, detailing the need for an extension and the projected completion date. The **INVESTIGATING SUPERVISOR** shall notify the complainant of the status of the investigation as well as the affected employee every 30 calendar days while the case remains open;
  - d. Upon completion of the investigation, **THE INVESTIGATING SUPERVISOR/IID INVESTIGATOR** shall forward summary of findings to the supervisor in the investigating supervisor's chain of command for review.
    - i. The **EMPLOYEE'S 2ND LEVEL SUPERVISOR** shall review investigations that result in informal discipline, such as verbal counseling, memo of concern, or letter of instruction;
    - ii. The **EMPLOYEE'S ADMINISTRATOR** shall review investigations that result in a disposition of a Letter of Reprimand;
    - iii. The **EMPLOYEE'S ADMINISTRATOR, DIRECTOR OR DESIGNEE, AND ADJC HUMAN RESOURCES ADMINISTRATOR OR DESIGNEE** shall review investigations that result in a disposition of a demotion and/or suspension;
    - iv. The **DIRECTOR, ATTORNEY GENERAL'S OFFICE, AND HUMAN RESOURCES ADMINISTRATOR** shall review investigations that result in a disposition of a termination which are submitted to the Director.
  - e. All employees are entitled to the final findings and dispositions regarding any administrative investigation in which they are the subject of the investigation. The **INVESTIGATING SUPERVISOR'S/IID ADMINISTRATOR** shall ensure that the affected employee is notified of the disposition of the administrative investigation.
27. **Case Disposition Process:**
- a. The **INVESTIGATING SUPERVISOR/PSU INVESTIGATOR** shall produce a finding with one of the following dispositions:
    - i. **Sustained:** The investigation disclosed sufficient evidence to prove clearly the allegations made in the complaint;
    - ii. **Partially sustained:** Part of the allegations in the complaint were sustained and part of the allegations were either not sustained, unfounded or exonerated;
    - iii. **Unfounded:**

- (1) Not Involved: The investigation disclosed that the named employee was not involved in the alleged incident;
    - (2) Unwarranted: The allegation was made in good faith without malicious intent; however, the investigation disclosed that the allegation lacks basis in fact;
    - (3) False: The allegation is false, i.e., the alleged incident never took place;
  - iv. **Exonerated:** The acts which provided the basis for the complaint or allegation occurred; however, investigation revealed that they were justified, lawful, and within accepted procedure and policy;
  - v. **Not sustained:** The investigation failed to disclose sufficient evidence to prove the allegation made in the complaint.
- b. The **DIRECTOR AND/OR MANAGING SUPERVISOR** may return the case to the Professional Standards Unit and/or Investigating Supervisor for further investigation, if appropriate;
- c. If the complaint is sustained or partially sustained, the **DIRECTOR AND THE AREA ADMINISTRATOR** shall receive the findings of investigation if a suspension or above is to be considered for discipline. If the discipline to be considered is less than a suspension, then the **DIRECTOR AND AREA ADMINISTRATOR** shall forward the findings of the investigation to the second level and the line level supervisor. The **RECEIVING SUPERVISOR** shall document the recommendation in writing and forward a copy of the report to the Professional Standards Unit and Human Resources.

28. **Administrative Investigative Evidence:**

To ensure the integrity of the chain of custody for all administrative investigations, all **INVESTIGATING SUPERVISORS/INVESTIGATORS** shall:

- a. Obtain a Incident Report (IR) and/or Administrative Investigation Report number if the IR number has not been assigned to the original incident;
- b. Log the property into evidence using the assigned IR/Administrative Report number.

29. **File Maintenance and Security:**

- a. The **PROFESSIONAL STANDARDS UNIT** shall maintain the following Administrative Investigation Report Form files:
  - i. Allegations of employee misconduct;
  - ii. All administrative investigative reports;
  - iii. A computer generated log of all administrative investigations;
  - iv. Other information which requires retention.
- b. The **PROFESSIONAL STANDARDS UNIT** shall set apart Administrative Investigation Report Form files from all other Department files;
- c. **SUPERVISORS shall not make any log notations of the allegation or of the investigation in the employee's file when the findings of the Administrative Investigation are exonerated, not sustained, or unfounded;**
- d. Professional Standards and Equal Employment Opportunity Commission (EEOC) Compliance Investigative and Administrative files are considered confidential and access is limited to the following:
  - i. Office of the Director;
  - ii. Attorneys employed by ADJC in the Legal Systems Division and employed or retained by the State Attorney General's Office;
  - iii. Personnel permanently assigned to the IID Unit;
  - iv. Designated employees on temporary assignment to the Professional Standards Unit:
    - (1) These employees will have limited access by need, as determined by the IID Administrator or designee;
    - (2) Appropriate court order;
    - (3) Other: Review of the files by any other person, either inside or outside the Department, shall be permitted when it is determined to be in the best interest of the Department, and with the authority of the Director or designee, or as may be required by law.

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- v. Criminal Investigators.
- e. **PERSONS** shall make their requests for Administrative Investigation Report files in writing:
  - i. An **ADJC ATTORNEY** shall review their request;
  - ii. The **PUBLIC INFORMATION OFFICER (PIO)** shall process any request from the media;
  - iii. **IID** shall maintain the request as part of the file;
  - iv. **IID** shall charge the person document reproduction costs consistent with the fees charged by the ADJC.

**30. Reporting Formats:**

**IID** shall prepare quarterly and annual reports regarding the number of complaints, percentages of sustained complaints and other requisite information. **IID** shall:

- a. Send this information to the ADJC Director monthly and quarterly;
- b. Include in the annual report an IID summary for the calendar year;
- c. Make this information available for dissemination to the public upon request.

<b>Effective Date:</b>	<b>Approved by Process Owner:</b>	<b>Review Date:</b>	<b>Reviewed By::</b>
07/21/2006	John Dempsey		